

October 5, 2016

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Business Data Services In an Internet Protocol Environment; Special Access For Price Cap Local Exchange Carriers*, WC Docket No. 16-143, WC Docket No. 05-25, RM-10593 – Notice of Ex Parte Presentation

Dear Ms. Dortch:

On Monday, October 3, 2016, Peter Nixon and Michael Skrivan of FairPoint Communications, Inc. and I met with Matthew DelNero concerning the Commission's proposed changes to the pricing rules governing interstate special access and business data services ("BDS"). FairPoint explained that it remains opposed to any decision that would characterize FairPoint's price cap markets as non-competitive, or its special access prices as above-cost. FairPoint believes the record in this proceeding is devoid of any evidence that FairPoint has market power in the BDS sector. As FairPoint has stated before, the record demonstrates neither control of bottleneck facilities nor the ability to raise prices. In fact, FairPoint's prices and revenues consistently have declined over a period of years, while the overall market has grown. FairPoint faces vigorous competition from cable broadband operators, competitive fiber-based LECs, and others that are not subject to the same regulations as FairPoint. Because the record supports a finding that the market for BDS is quite competitive and entry barriers are low, FairPoint opposes any mandatory special access rate reductions.

Please direct any questions concerning this matter to me.

Very truly yours,



Karen Brinkmann
Counsel to FairPoint Communications, Inc.